### BEFORE

# THE PUBLIC SERVICE COMMISSION OF

### SOUTH CAROLINA

# DOCKET NO. 2013-387-C - ORDER NO. 2014-167

### FEBRUARY 18, 2014

| IN RE: | Petition of the Office of Regulatory Staff for | ) | ORDER REVOKING |
|--------|--|---|----------------|
|        | Commission to Order a Rule to Show Cause       | ) | CERTIFICATES   |
|        | as to Why the Certificates of Public           | ) |                |
|        | Convenience and Necessity for Certain          | ) |                |
|        | Providers of the Telecommunications            | ) |                |
|        | Services Should Not Be Revoked for Failure     | ) |                |
|        | to File Gross Receipts, 2012 Annual Reports    | ) |                |
|        | and USF Reports                                | ) |                |

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Petition of the Office of Regulatory Staff ("ORS") to revoke the certificates of public convenience and necessity of certain telecommunications providers for failing to file Gross Receipts, 2012 Annual Reports, and Universal Service Fund ("USF") Reports. The filing of Gross Receipts is required by S.C. Code Ann. §§ 58-3-100, 58-3-540, 58-4-60, and 58-9-370 (Supp. 2013), which is used by the Department of Revenue to annually assess telecommunications providers. Additionally, Annual Reports are required by S.C. Code Ann. § 58-9-370 (Supp. 2013). Last, annual USF Reports are required by Commission Order No. 2001-996 (October 10, 2001), which allows ORS to calculate a provider's contribution to the South Carolina Universal Service Fund.

A hearing on this matter was conducted on January 22, 2014, in the Commission's hearing room. ORS was represented by Courtney Edwards, Esquire, who presented the testimony of James McDaniel, Program Manager in ORS's Telecommunications Department. Mr. McDaniel submitted lists of those providers that

remained out of compliance with the above filing requirements and requested that their

Certificates of Public Convenience and Necessity be revoked. The lists consisted of

Revised Exhibit A showing the providers in violation of the Gross Receipts filing

requirement, Exhibit B showing those providers in violation of the 2012 Annual Reports

filing requirement, and Exhibit C showing those providers in violation of filing their

annual USF Reports. ORS states that it attempted to contact these providers that remain

out of compliance but received no response, and none of the providers contained in the

exhibits appeared at the hearing.

After reviewing the evidence, we find and hold that the public interest requires the

Certificates of the telecommunications providers contained in Revised Exhibit A, Exhibit

B. and Exhibit C be and are hereby revoked.

This Order shall remain in full force and effect until further order of the

Commission.

BY ORDER OF THE COMMISSION:

ATTEST:

(SEAL)

<sup>&</sup>lt;sup>1</sup> Revised Exhibit A and Exhibits B and C were accepted into the record as Composite Hearing Exhibit 1. (Attached as an Appendix to this Order)

Docket No. 2013-387-C Order No. 2014-167 February 18, 2014 Page 1 of 3

Apprilate

Telecommunications Carriers Non-Compliant with Gross Receipts Filing 2013
Docket No. 2013-387-C
January 22, 2014

REVISED EXHIBIT A

| Ö      | No. Company  | Type of<br>Certificate Addr | Address                   | į                     |               |           |  | ,         | ŭ           | Secretary of State   |
|--------|--|-----------------------------|---------------------------|-----------------------|---------------|-----------|--|-----------|-------------|--|
| ļ      | , 11   |                             | CO INDIA                  |                       | State 41p     | 71D       | Docket No. Order No.                           | Order No. | Date        | Standing   |
| /      | American broadband, Inc.   | CLEC                        | 1321 Connellsville Rd     | Lemont Furnace PA     | PA 1          | 15456     | 2006   | 1000      |             |  |
| \<br>• | Association Administra   |                             |                           |                       |               | į         | 12004-343-C                                    | 771-5007  | 3/22/2005   | 2004-343-C  2005-127  3/22/2005  Good Standing   |
| ł      | Association Administrators, Inc.   | TXC                         | 180 E Main St, #200       | Smithtown             | NY 11787      |           | 1007 162 0                                     | 200       |             | Samuel Park  |
| 7      | Inmate Communications Companies  | INC                         | 100 0 11 0 11 0           |                       |               |           | 1997-103-0                                     | 1997-893  | 10/1//1997  | 1997-163-C 11997-893   10/11/1997   Good Standing  |
| 7      | THE CONTINUE OF THE COLD OF TH | יאר                         | 31127 Via Colinas Ste 807 | Westlake Village   CA | <u>د</u><br>د | 91362     | 1997-518-C                                     | 1003 140  | 2 /24 /1002 | 1992-518-C 1992-149 2794 71902 C-116. 11   |
| 2      | Wak Communications (America) Inc   | TYC                         | DO Dow 414620             |                       |               |           | 2000   | 4777-470  | 2/24/1993   | Good Standing  |
| Γ.     |  | 3                           | ro DOX 414029             | Miami Beach           |               | 33141     | 2002-387-C   2003-532   972272003              | 2003-532  | 2/22/2002   | Lowfoith   |
| >      | Larvin Oil Company, Inc.   | 4                           | PO Roy 1240               |                       | 5             | 4.60      |  |           | 2/22/2003   | roncium  |
|        |  |                             | 10 000 1517               | wagener               | 25            | 9164-1249 | SC  29164-1249  1985-150-C  1996-29  1/10/1996 | 1996-29   | 1/10/1996   | Good Standing  |
|        |  |                             |                           |                       |               |           |  |           |             | STATE OF THE PARTY |



Appendix Docket No. 2013-387-C Order No. 2014-167 February 18, 2014 Page 2 of 3

Telecommunications Carriers Non-Compliant with Annual Reports Filing 2013 Docket No. 2013-387-C

|    |  |             | December 10, 2013   | 113   |           |            |  |            |   |  |
|----|--|-------------|---------------------|---|-----------|------------|--|------------|---|--|
|    |  | Type of     |                     |   |           |            |  |            | Cortified                               | Certified Corretany of                     |
| ٤  | Company                                | Certificate | Address             | City  | State Zin |            | Docket No Order No Date                        | Order No   | į                                       | State Standing                             |
| `  |  | CLEC        |                     |   |           |            |  | ioni ionio |   |  |
| 7  | Advanced Communications Solutions, LLC | IXC         | PO Box 98           | Holly Springs NC 27540-0098 2011-119-C 2011 629 141 | N<br>N    | 27540-0098 | 2011-119.C                                     | 2011-530   | 00 /00 /11                              |  |
| _  |  | CLEC        |                     |   |           | 200        | 7.717-1102                                     | 466-1102   | 11/60/00                                | Good Standing                              |
| 70 | Pac-West Telecomm, Inc.                | IXC         | 4550 Lakefield Bend | Berkeley Lake CA 30096                              | Α.        |            | 2010 411 0                                     | 0044       | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | :  |
| 3  | Vak Comminications (Amorica) Inc       | JA.         | 2007                | The same  | 5         |            | 4010-411-C                                     | 816-1107   | 04/26/11                                | 2010-411-C 2011-318 04/26/11 Good Standing |
|    | ישו כסווויומשיסוים (שווכו זרש) זוזר    | 100         | FU BOX 414629       | Miami Beach   FL   33141                            | 딢         |            | 2002-387-C   2003-532   09/22/03   Forfeithing | 2003-532   | 09/22/03                                | Forfaithe                                  |

EXHIBIT B

Appendix Docket No. 2013-387-C Order No. 2014-167 February 18, 2014 Page 3 of 3

Telecommunications Carriers Non-Compliant with Universal Service Fund Filing 2013

Docket No. 2013-387-C

December 10, 2013

|   |                                   | Type of     |                           |  |           |       |   |           | Certified | Certified Secretary of                           |
|---|-----------------------------------|-------------|---------------------------|--|-----------|-------|---|-----------|-----------|--|
| ė | Company                           | Certificate | Address                   | Clty   | State Zip |       | Docket No. Order No. Date                     | Order No. | Date      | State Standing                                   |
| 7 | / American Broadband, Inc.        | CLEC/IXC    | 1321 Connellsville Rd     | Lemont Furnace   PA   15456   2004-343-C   2005-127   03/22/05   Good Standing | ĕ<br>Z    | 15456 | 2004-343-C                                    | 2005-127  | 03/22/05  | Good Standing                                    |
| 7 | iNetworks Group, Inc.             | CLEC/IXC    | 125 S Wacker Dr, Ste 2510 | -  | <u> </u>  | 90905 | 2009-164-C                                    | 2009-553  | 60/90/80  | 60606 2009-164-C 2009-553 08/06/09 Good Standing |
|   |                                   |             |                           |  |           |       |   |           |           | 9  |
| 8 | Yak Communications (America) Inc. | IXC         | PO Box 414629             | Miami Beach  | 달         | 33141 | 33141 2002-387-C 2003-532 09/22/03 Forfeiture | 2003-532  | 09/22/03  | Forfeiture                                       |

**EXHIBIT C**